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21-5084
No. 21-

FILED

APR 08 2021

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Donald H. Kimball,

Petitioner,

v.

Altoona, IA. Police Department, Chief Greg Stallman (individual)

Respondents.

*On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit*

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1) The Supreme Court recently upheld a ruling unanimously holding that the Ninth Circuit "departed so drastically from the principle of party presentation as to constitute an abuse of discretion" and remanded the case for reconsideration.

(United States v. Sineneng-Smith, 140 S. Ct. 1575 (2020))

Shouldn't the Eighth Circuit's case be remanded for reconsideration by not only drastically departing from the principal of party presentation, introducing clearly erroneous evidence not previously on record, and being in direct conflict of the United States Supreme Court's and their own previous rulings?

The court's choices to introduce unsubstantiated conclusions were not only extremely prejudicial in determining the outcome of the case, but also severely affected the rights of the petitioner.

2) It was established in (McDonald v. Chicago, 561 U.S. 742, 780, 130 S.Ct. 3020, 177 L.Ed.2d 894 (2010)) that the Second Amendment guarantee is applicable to the states via the Fourteenth Amendment and reiterated *Heller* 's reasoning that "individual self-defense is 'the *central component* ' of the Second Amendment right." 130 S.Ct. at 3036 (quoting *Heller*, 554 U.S. at 599, 128 S. Ct. 2783)."

When a state has instituted laws to assure the protection of one's constitutional rights and an agent of that state, (Chief of Police), knowingly, and unnecessarily, denies one's constitutional right without due process, and continues to do so after an order from the court to cease said violation, is that not clearly a Section 42 U.S.C. § 1983 violation?

3) In consideration of Kimball's Appellate Brief, *Statement of Issues for Review*, No. VI. "Did the District Court abuse their discretion by introducing erroneous facts and arguments not on record and denying Mr. Kimball's request for Leave to Amend?", is that notification for, and warrants an abuse of discretion review?

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case # 20-2188

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case # 4:19-cv-00149-SMR-HCA

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List of Parties to Proceeding

Donald H. Kimball,

Petitioner,

Altoona, IA. Police Department, Chief Greg Stallman (individual)

Respondents.

Corporate Disclosure Statement

Mr. Kimball is an individual and has no corporate affiliations and presently has no knowledge of any corporations related to, or having interest, in this case.

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully requests a writ of certiorari
to review the judgment of the United States Court
of Appeals for the Eighth Circuit.

OPINIONS BELOW

United States Court Of Appeals Eighth District case # 20-2188

OPINION/JUDGMENT of USCA advising the judgment of the district court is
Affirmed as to..) (Entered: 12/09/2020) -Opinion is included herein **Appendix A**

PER CURIAM OPINION FILED - THE COURT: Duane Benton, Jane Kelly and L.
Steven Grasz (UNPUBLISHED) [4983354] [20-2188] (NDG) [Entered: 12/09/2020
08:22 AM] - Opinion is included herein **Appendix B**

United States District Court for the Southern District of Iowa case # 4:19-cv-00149-
SMR-HCA Filed 04/14/20 -Opinion is included herein **Appendix C**

STATEMENT OF THE BASIS FOR THE JURISDICTION

The Judgment of the Court of Appeals was filed on 12/09/2021

A petition for rehearing en banc was filed on 12/21/2020.

The petition for rehearing en banc was denied on 01/13/2021

Pursuant to U.S. Supreme Court Rule 13(3), writ is timely.

This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISIONS AND STATUTES

Second Amendment - A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed

Fourteenth Amendment - Section 1 -All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

INTRODUCTION and STATEMENT OF THE CASE

The Petitioner, Kimball lives and travels in his motor home throughout the United States, frequently stopping at truck stops. While in Altoona Iowa, and because he was a Senior and Veteran, he was targeted by a group of men who travel the country and rob citizens either by deception or by outright taking, in which they did to Kimball. Several police departments are aware of this group but have never been able to catch them and they are also on You Tube.

Kimball was robbed of thirteen hundred dollars and while trying to get his money back was tackled and assaulted by two men half his age, and twice his size. Kimball happened to get away long enough to draw his weapon which instantly saved him from getting assaulted any further. Once the threat was eliminated,

Kimball positioned his weapon in a safe and secure manner. During the whole incident, that was the only time Kimball pointed his weapon at anyone.

During that time someone must have called the police because prior to Kimball discharging his weapon, they were already on their way and while Kimball was running towards the Altoona Police, those who robbed him were running away. The discharge of Kimball's firearm was not towards any persons or structures and was safely discharged in the ground in the hopes it would stop the perpetrators and discourage any other attacks.

To summarize, there were a total of six men who were involved. Two ran off with the money and were still hiding amongst the semi-trucks, one ran and hid in a row of cars by a hotel, one had gone and got their van, and the two that attacked Kimball, caught up with the guy with the van and sped off out of the truck stop lot. Those three in the van were caught on an off ramp by another police department several towns over while trying to escape.

Kimball had to identify them so he was driven out to where the police had caught them to make that identification. The Altoona police Department went to great lengths to protect his identity both during the identification and throughout the investigation and questioning at the Altoona Police Department.

Kimball was locked in a room, still not having his identity revealed, while the investigation and questioning went on for hours. Those three men that were apprehended confessed to gambling and claimed Kimball was also gambling and that is how he lost the thirteen hundred dollars.

Upon ending their investigation, the Altoona Police Department decided to charge Kimball with a Simple Misdemeanor, discharging a weapon within city limits. Kimball was shackled and readied for jail while being paraded by the same guys who robbed and assaulted him, thus revealing his identity which so much effort was used to keep secret. The men who robbed and assaulted him were allowed to go free to continue their robbing. The same gang robbed an elderly man of his five hundred dollar watch in the same fashion that they robbed Kimball. (Warner Robins, GA. Police Incident Report Case # 2020-0328 - 03/04/2020).

Mr. Kimball spent one night in jail and was released the next morning by a Judge pursuant to a negotiated plea which carried a one hundred dollar fine. (Donald Kimball # 05771ATSMAC376472). The case was disposed of and Kimball was anxious to leave Altoona and the only thing stopping him was the retrieval of his weapon. Although he was assured by a Lieutenant that answered the phone that since the case was disposed of, and no further issues needed to be addressed, he could make arrangements to pick the weapon up.

When Kimball went to pick up his weapon, Chief Stallman intervened and told him to keep checking back that it could be a month or so. Kimball had received no paperwork from the Altoona Police Department upon the seizure of his weapon and had no directions in how to get it back nor was he informed by anyone of any continuing investigation.

Monday morning, July 2, 2018, Kimball proceeded to find out how he could get his weapon back and during that process Kimball learned that Chief Stallman

had no legal right to keep it and that the Chief had already been told by his City Attorney, Larry Handley, to immediately return Kimball's weapon.

Kimball then opted to appeal to the courts and began the legal procedures to obtain his seized property in which Kimball discovered that the Altoona Police Department statutorily failed to properly seize the property and that all of the required documents and paperwork for seizure and obtaining Mr. Kimball's property were never generated.

While Kimball was filing the motions and paperwork at the Polk County Court, he was told that all that was needed for the court to order release of his weapon back to him was for the City Attorney to email or fax their approval of the release.

The City Attorney, Heather Handley Cherry was the one that was handling this case, and although her senior partner Larry Handley told Mr. Kimball that he had approved immediate release of his weapon upon disposition of the case, it took threats of legal action in order for Attorney Handley to finally inform the court that she had no objection to Mr. Kimball receiving his weapon.

After the Iowa District Court for Polk County ordered the release of his weapon, Chief Stallman still refused to return Kimball's weapon for a couple of more weeks and during that time they knowingly knew that it was his only weapon for self defense and they chose to deprive him having the ability to protect himself as he had during being robbed and assaulted.

PROCEDURAL HISTORY

On June 28, 2018, the Petitioner, Kimball, was arrested for discharging a weapon within city limits, Altoona Iowa Municipal Code AT/41.08, simple misdemeanor. On June 29, 2018, Iowa District Court for Polk County, An Order charging Kimball with simple misdemeanor, one hundred dollar fine.

On May 20, 2019, Kimball filed his Complaint as an original action in the United States District Court for the Southern District of Iowa. (ECF No. 1). On July 24, 2019, Defendants filed their Rule 12(b)(6) Pre-Answer Motion to Dismiss, along with supporting Brief. (ECF No. 7, 10). Kimball resisted the Motion to Dismiss on August 20, 2019. (ECF No. 13-1). On April 14, 2020, the District Court entered its Order on Defendants' Motion to Dismiss, which granted the Motion to Dismiss and dismissed all of Kimball's claims and denied Kimball's Motion for Leave to Amend his complaint. (ECF No. 23). Kimball filed Notice of Appeal along with Motion for Leave to file forma pauperis on April 24, 2020 (ECF No.25, ECF No.26). Text Order granting leave for Kimball to file forma pauperis on June 12, 2020, (ECF No. 28). Order Affirming District Court Decision on December 09, 2020,(ECF No.32). Order denying Kimball's request for rehearing en banc on January 13, 2021, (ECF No.33). Mandate issued on January 21,2021 (ECF No.34).

REASONS FOR GRANTING THE PETITION

Abuse of Discretion

The Petition should be granted because the United States District Court for the Southern District of Iowa stopped being a neutral arbiter and became an advocate for the Defendants by introducing a clearly erroneous fact. It was an abuse of discretion.

("In our adversary system, in both civil and criminal cases, in the first instance and on appeal, we follow the principle of party presentation. That is, we rely on the parties to frame the issues for decision and assign to courts the role of neutral arbiter of matters the parties present. ") (*Greenlaw v. United States*, 554 U.S. 237, 243 (2008))

The District Court "departed so drastically from the principle of party presentation as to constitute an abuse of discretion." "It has been held that the courts should be a neutral arbitrator, "in both civil and criminal cases, in the first instance and on appeal . . . , we rely on the parties to frame the issues for decision and assign to courts the role of neutral arbiter of matters the parties present." (*Greenlaw v. United States*, 554 U. S. 237 (2008) *id* 243), and the Supreme Court just recently upheld that ruling, "The Supreme Court (per Justice Ruth Bader Ginsburg) unanimously held that the Ninth Circuit's *manner* of adjudicating the appeal "departed so drastically from the principle of party presentation as to constitute an abuse of discretion." According to the court, the principle at stake was that courts should "rely on the parties to frame the issues for decision" and act as

"neutral arbiters of matters the parties present." " The Court vacated the Ninth Circuit's decision and remanded the case for reconsideration." (*United States v. Sineneng-Smith*, 140 S. Ct. 1575 (2020))

Where the Defendants failed to explain the reason that Chief Stallman refused to give Kimball his weapon beyond that of "Qualified Immunity" (Defendants District Brief ECF 7 Pg. 30 ¶ 1), the United States District Court for the Southern District of Iowa stepped in as an advocate for the Defendants and introduced a clearly erroneous fact that Kimball was being investigated for attempted murder, and therefore, failing to return the weapon was justified; however, it is clear and obvious that this fact is completely false and all information, evidence, communications, and events presented throughout this litigation by both parties proves it's falsehood and any investigation that was ongoing was completed when Kimball was sent to jail and the other men were released.

"Here, there is a "concrete, obvious alternative explanation" that is much more likely as to why Defendants released the alleged perpetrators—there was insufficient evidence to detain them any longer or charge them with a crime." ."
(Defendants District Brief Pg. 17 ¶ 2), (Defendants Appellate Brief Pg. 17 ¶ 2),

Attempted murder is a serious Class B Felony which carries up to a 25 Year prison sentence and Kimball had to intend to murder those who assaulted him and if that was his intention, he would have done so when he was being assaulted. After three hours of investigation and questioning by the Altoona Police Department with

all parties involved, they concluded that it was not Kimball's intention and since the discharging of his weapon caused no damage to personnel or property, he was charged with Simple Misdemeanor which concluded any further investigation.

"Plaintiff was then transported to the police department where, after questioning Plaintiff and the men in the van, the decision was made to arrest Plaintiff for discharging his firearm", (Defendants District Brief ECF 7 Pg. 5 ¶ 2), (Defendants Appellate Brief Pg. 2 ¶ 2),

"After an investigation, Kimball was arrested and charged with discharging a firearm in city limits – a violation of Altoona City Code § 41.08." (Defendants Appellate Brief Pg. ii ¶ 3),

The District Court is relying on a statement Kimball made in his complaint concerning a heated phone call between Chief Stallman and Kimball when he was trying to get his weapon returned. For the District Court to interpret that statement as a confirmation of an ongoing two week attempted murder investigation is not only far reaching, but is facially absurd.

The correct interpretation of that statement would be exactly as it reads. Although, speculatively, there might have been an effort by Chief Stallman to charge Kimball with a more serious crime, however; the player's refusals to cooperate, made Chief Stallman's efforts unsuccessful.

"Chief Stallman indicated to Mr. Kimball how lucky he was that he didn't get charged with a more serious crime like attempted murder and explained the only reason he couldn't charge Mr. Kimball was because of his failed effort to get the two

Players he had in custody to cooperate and make those allegations and that they refused to file anything against Mr. Kimball." (Kimball Complaint ECF 1 ¶ 82),

As the Defendant's statements indicate above any and all investigations and questions were completed when the perpetrators were released and Kimball was charged and jailed.

However, further evidence that there was no continuing investigation for attempted murder; Kimball relies on several conversations with law enforcement, city attorneys, Iowa criminal investigative agents, and judges, in which none indicated any ongoing investigation.

"On Friday morning Mr. Kimball went from his cell before Judge Odell McGhee at the Polk County Jail"(Kimball Complaint ECF 1 ¶ 67)

"Mr. Kimball called the Altoona Police Department to tell them that his case was disposed of and all fines were paid so therefore he would like to get his driver's license and weapon back". (Kimball Complaint ECF 1 ¶ 67)

"The City Attorney, Heather Handley Cherry was the one that was handling this case, and although her senior partner Larry Handley told Mr. Kimball that he had approved immediate release of his weapon upon disposition of the case, it took threats of legal action in order for Attorney Handley to finally inform the court that she had no objection to Mr. Kimball receiving his weapon"(Kimball Complaint ECF 1 ¶ 77)

Between the Defendant's statements in their briefs, phone calls between Kimball and the city Attorneys, even Chief Stallman's statement that he tried and

failed indicate plainly that there was no continuing investigation and to further prove that point, let's rely on common sense.

Would the Altoona Police let Kimball leave town if there was a pending attempted murder investigation? And the only persons who claim Kimball fired his weapon towards anyone is the Defendants and the District Court in their opinion, whereas, the perpetrators even denied Kimball firing at them. Kimball consistently held that he discharged his weapon in a safe and protective matter at no one or anything. And finally, would the City Attorney request the Iowa District Court of Polk County to issue an Order for the return of his weapon. And even then Chief Stallman defiantly refused to release the weapon to Kimball weeks after he was ordered by the Iowa District Court Polk County (Seized Property of Donald Kimball Case #05771-SPCE083234), in which, there was also no indication of an ongoing investigation.

In conclusion, the District Court; intervention should not have happened. Not only was the evidence that was introduced clearly erroneous, it was harmful to Kimball by seriously affecting his substantial rights. The Supreme Court warned against such an outcome in (Castro v. U.S., 540 U.S. 375, 386-87 (2003) ("For the overriding rule of judicial intervention must be "First, do *no harm*." The injustice caused by letting the litigant's own mistake lie is regrettable, but incomparably less than the injustice of *producing* prejudice through the court's intervention. ")

Standard of Review

Kimball believes United States Court Of Appeals Eighth District should have reviewed this case under the abuse of discretion standard instead of the de nova standard considering it was requested, (Kimball's Appellate Brief, Statement of Issues for Review No. VI. "Did the District Court abuse their discretion by introducing erroneous facts and arguments not on record and denying Mr. Kimball's request for Leave to Amend?"')

Section 42 U.S.C. § 1983: 14th and 2nd Amendment Violations

Kimball's case is identical to (*Walters v. Wolf*, 660 F.3d 307, 311 (8th Cir. 2011), except for Mr. Kimball was a non-resident and therefore could not replace his "specific firearm" without undue burden. (*Walters v. Wolf*, 660 F.3d 307, 318 (8th Cir. 2011) ("We do not foreclose the possibility that some plaintiff could show that a state actor violated the Second Amendment by depriving an individual of a specific firearm that he or she otherwise lawfully possessed for self-defense. However, on this record, Walters has failed to make such a showing."))

Mr. Kimball had his pistol exclusively for self protection and this case exemplifies its importance. Mr. Kimball was being assaulted by two men half his age and twice his size and having his pistol for self protection saved his life, he could have been beaten to death. The 2nd amendments core purpose and right is for self protection. (*Walters v. Wolf*, 660 F.3d 307, 318 (8th Cir. 2011) "Specifically, although the Court "d[id] not undertake an exhaustive historical analysis ... of the

full scope of the Second Amendment,” *id.* at 626, 128 S.Ct. 2783, it did examine the Amendment's history extensively, concluding that “all of [the Second Amendment's] elements together” coalesce to “guarantee the individual right to possess and carry weapons in case of confrontation,” *id.* at 592, 128 S.Ct. 2783. In McDonald, the Court made this Second Amendment guarantee applicable to the states via the Fourteenth Amendment and reiterated *Heller* 's reasoning that “individual self-defense is ‘the *central component*’ of the Second Amendment right.” 130 S.Ct. at 3036 (quoting *Heller*, 554 U.S. at 599, 128 S.Ct. 2783).”)

Mr. Kimball's weapon was seized by the Altoona Police Department in violation of Iowa Property Seizure Codes whereas the Defendants failed to take inventory of the property and failed to give Mr. Kimball a receipt documenting the seizure of his weapon and Georgia Drivers License.

The Altoona Police seized Mr. Kimball's handgun on June 28, 2018 due to the Simple Misdemeanor violation of Altoona City code AT/41.08- Discharging Weapons. See (Case # 05771ATSMAC376472).- Mr. Kimball is also claiming that the City Code is unconstitutional because it does not provide for the right to Self Defense pursuant to the 2nd Amendment.

The Case was disposed of the following morning on June 29, 2018. Mr. Kimball Immediately notified the Altoona Police Department for the return of his weapon Pursuant to: (*Iowa Code 809.5*) "Disposition of seized property. 1. Seized property shall be returned to the owner if the property is no longer required as

evidence or the property has been photographed and the photograph will be used as evidence in lieu of the property, if the property is no longer required for use in an investigation, if the owner's possession is not prohibited by law, and if a forfeiture claim has not been filed on behalf of the state." Upon disposition of Mr. Kimball's case he immediately contacted Chief Stallman for the return of his pistol and was told he would have to wait and check back in a couple of weeks. Chief Stallman gave Mr. Kimball no definitive answer when he could get his pistol and gave no reason why he would not return it. After contacting the City Attorney, and although they recommended returning the pistol, they said it is ultimately up to Chief Stallman.

Mr. Kimball agrees with the Walters' opinion (Walters v. Wolf, 660 F.3d 307, 315 (8th Cir. 2011)) ("In reversing the district court's summary judgment, this court observed that "[t]he pivotal deprivation in this case was not the initial seizure of the ammunition and weapons, but the refusal to return them without a court order after it was determined that these items were not contraband or required as evidence in a court proceeding." *Id.* at 843. Based on this observation, this court concluded that [t]he record establishes that this refusal to return Mr. Lathon's property was not a random or unauthorized act.")

As with *Walters*, Mr. Kimball's seizure ended with the disposition of his case. (Walters v. Wolf, 660 F.3d 307, 314 (8th Cir. 2011)) ("The City's and Chief Wolf's valid seizure ended with the dismissal of the predicate charges in St. Louis County and the fugitive warrant in Edmundson County.")

Mr. Kimball is a resident of Georgia and has a reciprocating concealed carry permit. Also his 2nd Amendment rights are fully applicable in Iowa. ") (*McDonald v. City of Chicago*, 561 U.S. 742, 750 (2010) ("we hold that the Second Amendment right is fully applicable to the States.") However, because Mr. Kimball is not a resident of Iowa, he was unable to purchase another pistol to replace his and he had a job to go to in North Dakota and driving back to Georgia would be a substantial undue burden. See, (*Heller v. District of Columbia*, 670 F.3d 1244, 1257 (D.C. Cir. 2011) ("That is, a regulation that imposes a substantial burden upon the core right of self-defense protected by the Second Amendment must have a strong justification, whereas a regulation that imposes a less substantial burden should be proportionately easier to justify. ")

Chief Stallman had to be aware of what he was doing to Mr. Kimball. Chief Stallman has been in law enforcement for over 23 years and most likely very familiar with the 2nd Amendment and the laws of Iowa pertaining to purchasing and owning a pistol. He knew the pistol he possessed was Mr. Kimball's only firearm for self protection and he needed it, as evident in this case, and Chief Stallman knew Mr. Kimball couldn't purchase another one. So, Mr. Kimball was left defenseless and Chief Stallman had not only trampled on Mr. Kimball's due process rights, but he also was complicit in violating his 2nd Amendment rights.

With *Walters*, a purchase of a firearm would only be a minimal burden, if any burden at all, so the court denied his 2nd Amendment claim, however, with Mr. Kimball, he is prohibited "from acquiring another weapon" (*Walters v. Wolf*, 660

F.3d 307, 317 (8th Cir. 2011) ("The court dispensed with his Second Amendment claim by concluding that the Amendment's protections were not implicated because "the 'right to bear arms' is not a right to hold some particular gun" and the plaintiff was not prohibited "from acquiring another weapon." *Id.*")

"The district court, in essence, determined that Walters must do more than show that the City kept him from possessing one particular firearm to establish a violation of the Second Amendment; Walters must also show that the City kept him from acquiring any other legal firearm. *See id.*") ("No government official is barring Plaintiff from obtaining a firearm and none is preventing Plaintiff from availing himself of the procedure for the return of his firearm. Moreover, no law has been cited that infringes upon Plaintiff's right to obtain a firearm." *See Id*)

The State of Iowa is barring Mr. Kimball from obtaining a firearm and Mr. Kimball did avail himself of the procedure for the return of his firearm by filing an emergency motion, (*Seized Property of Donald Kimball* Case#05771-SPCE083234). *See, (Walters v. Wolf*, 660 F.3d 307, 311 (8th Cir. 2011) ("In order to prevail on a due process claim, a plaintiff must take advantage of the processes available to him, unless the processes are unavailable or patently inadequate." *Id.* (citing *Alvin v. Suzuki*, 227 F.3d 107, 116 (3d Cir.2000);

Mr. Kimball believes the substantial burden the state has put on him to replace his firearm, and the actions of Chief Stallman, bring claim to his 2nd Amendment violation, however, this court in Walters confirms, Mr. Kimball's due process rights have definitely been violated. *See, (Walters v. Wolf*, 660 F.3d 307, 311

(8th Cir. 2011) The Due Process Clause of the Fourteenth Amendment provides that “[n]o state shall ... deprive any person of life, liberty, or property, without due process of law.” U.S. Const. Amend. XIV, § 1. As the Supreme Court has recognized, “[p]rocedural due process imposes constraints on governmental decisions which deprive individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.” All parties concede that Walters's interest in his handgun and associated ammunition constitute a valid, constitutionally protected property interest.”)

In Conclusion, as with this case, the Appellant agrees with the this analysis, (*Walters v. Wolf*, 660 F.3d 307, 317-18 (8th Cir. 2011) (“We believe Walters's valid Due Process claim addresses the gravamen of his complaint against the City and Chief Wolf; Walters seeks a meaningful procedural mechanism for return of his lawfully seized firearm enabling him to exercise the individual right of self-defense protected by the Second Amendment.”)

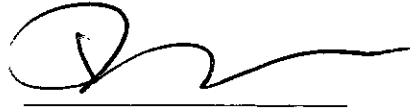
The appellant also agrees with the Plaintiffs in *Heller*, (*Heller v. District of Columbia*, 670 F.3d 1244, 1256 (D.C. Cir. 2011) (“The plaintiffs argue strict scrutiny is the appropriate standard of review because, in holding the Fourteenth Amendment made the Second Amendment applicable to the States, the Court in *McDonald* described the right “to keep and bear arms [as] among those fundamental rights necessary to our system of ordered liberty,” 130 S.Ct. at 3042.”

CONCLUSION

For the foregoing reasons Mr. Kimball respectfully requests the petition for writ of certiorari to be granted.

Respectfully submitted,

April 9, 2021

A handwritten signature in black ink, appearing to be 'D. Kimball', written over a horizontal line.

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